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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 WESLIE MARTIN,

16 Plaintiff,

17 v.

18 THE STATE OF NEVADA, *et al.*,

19 Defendants.

20 Case No. 2:18-cv-02426-RFB-VCF

21 **MOTION TO EXTEND THE
22 DEADLINE TO FILE THE
23 PROPOSED SCHEDULING ORDER**

24 Defendant Efrain Lona, by and through counsel, Aaron D. Ford, Nevada Attorney
25 General, and Dawn R. Jensen, Deputy Attorney General, hereby requests this Court extend
26 the deadline for Defendant to file a proposed scheduling Order from December 20, 2021, to
27 December 27, 2021.

28 **MEMORANDUM OF POINTS AND AUTHORITIES**

1 I. BACKGROUND

2 On November 29, 2021, the court held a hearing on Plaintiff's Motion for
3 Reconsideration, Plaintiff's Motion for Summary Judgment, and Motion for Clerk's Default.
4 At the hearing, after discussing the status of discovery, the court ordered the parties to
5 meet and confer to develop a new proposed scheduling order. ECF No. 82. The proposed
6 scheduling order was due to the court by December 20, 2021. *Id.* The court also ordered
7 that Plaintiff be provided, to his cell, a paper copy of all medical records by December 10,
8 2021. *Id.*

1 On December 10, 2021, the Office of the Attorney General (OAG) submitted a request
2 to Ely State Prison for a call with Plaintiff. Recently, the OAG received confirmation that
3 the call is scheduled for December 22, 2021.

4 Plaintiff was provided all medical records to his cell on December 14, 2021.

5 Defendant files this Motion requesting a seven (7) day extension, or until
6 December 27, 2021, to file the Proposed Scheduling Order after the parties can meet and
7 confer.

8 **II. LEGAL ARGUMENT**

9 Under Federal Rules of Civil Procedure Rule 6(b): Extending Time,

10 When an act may or must be done within a specified time,
11 the court may, for good cause, extend the time:

12 (A) with or without motion or notice if the court acts, or if
13 a request is made, before the original time or its extension
expires; or

14 (B) on motion made after the time has expired if the party
failed to act because of excusable neglect.

15 FRCP 6(b).

16 Here, there is good cause to extend the time for Defendant to respond. As detailed
17 above, the Defendant requested a call with Plaintiff to meet and confer but the scheduled
18 call to Plaintiff was set further out than expected. Plaintiff was provided his medical
19 records on December 14, 2021. Therefore, the case is proceeding and Plaintiff will have
20 time to review this information prior to discussing new deadlines for a Proposed Scheduling
21 Order. Once the parties are able to confer, it is expected that they will be able to reach
22 agreement regarding the new deadlines and will likely submit a Joint Proposed Scheduling
23 Order. Furthermore, since the call will occur during the holiday week, it is likely there
24 may be additional staff shortages and early closures. Therefore, Defendant requests to
25 have an additional seven (7) days, or until December 27, 2021, to file the Proposed
26 Scheduling Order. Plaintiff will not be prejudiced by this request and no other deadlines
27 would be affected by this request.

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III. CONCLUSION

Good cause exists for granting the extension. Defendant respectfully requests seven days (7) days or until December 27, 2021, to file a Proposed Scheduling Order.

DATED this 20th day of December, 2021.

AARON D. FORD
Attorney General

By: /s/ Dawn R. Jensen
DAWN R. JENSEN (Bar No. 10933)
Deputy Attorney General

Attorneys for Defendant

IT IS SO ORDERED

**RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE**

DATED: December 21, 2021

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on December 20, 2021, I electronically filed the foregoing **MOTION TO EXTEND THE DEADLINE TO FILE THE PROPOSED SCHEDULING ORDER** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically.

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Plaintiff, Pro Se

/s/ Carol A. Knight
CAROL A. KNIGHT, an employee of the
Office of the Nevada Attorney General